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8 **UNITED STATES BANKRUPTCY COURT**
9 **NORTHERN DISTRICT**
10 **(SAN FRANCISCO DIVISION)**

11 In re:

12 PG&E CORPORATION

Bankruptcy Case

No. 19-30088-DM

13 -and-

Chapter 11

(Lead Case)

14 PG&E GAS AND ELECTRIC COMPANY

(Jointly Administered) Case

15 Debtors

No. 19-30089-DM

16 vs.

17 Theresa Ann McDonald

Proof of Claim No. 54975

18 Creditor

Filed October 21, 2019

Camp Fire

Judge: Honorable Dennis Montali

19 Emergency Pleading Responding To
20 The Preliminary Report Of Official Tort
21 Claimants' Investigation Of Voting
22 Results, Document 7847

23
24 Relief Requested: The Appointment Of
25 An Independent Examiner To Review
26 Physical Records, Conduct Random
27 Surveys Of Voters, Compare Lists Of
28 Non-Voters To Lists Of Returned
Solicitation Packets, And Other Tests

Validating Impartiality Of The Voting
Process

I appreciate the fact that the TCC is looking into the voting irregularities. However, the *Preliminary Report of the Official Committee Of Tort Claimants' Investigation Of Voting Results* (Document Number 7847) fails to address a key point of any investigation into the voting irregularities, the investigation of whether or not the solicitation packets were distributed in a timely manner. Furthermore, an investigation by any Party so closely tied to the outcome of the vote does not meet the needs of the Court.

Ms. Pullo testified that Prime Clerk followed all of the procedures the Court had approved. However, she could not testify as to when the solicitation packets that contained the ballots and voting instructions were actually distributed via the United States Postal Service because Prime Clerk did not do the mailing. I do not believe she was asked who actually distributed the emailed solicitation packets.

1. Prime Clerk should be able to easily verify how many solicitation packets were to be sent via United States Postal Service 1st Class mail and how any were to be sent via email.
2. Prime Clerk should also be able to easily verify the weight of each physical solicitation packet.
3. The weight of a solicitation packet could be used to calculate the postage cost per package.
4. A simple calculation of number of packets to be sent multiplied by the cost per package would reveal the minimum postage that should have been processed through the unidentified mailing vendor's postage machine(s).
5. An examination of the postage meter(s) of the unidentified mailing vendor would reveal the actual postage charged during the period of March 30, 2020 through April 8, 2020.
6. Comparing the postage needed to send the number of packets that were to be

1 mailed to the actual postage charged would reveal if it was possible that the
2 packets were actually mailed in the required time frame.

- 3 7. If there were tens of thousands of solicitation packets, it is also
4 possible that whoever at the U. S. Postal Service received the mailing
5 may remember it.
- 6 8. A query by the U. S. Postal Inspector of the appropriate U. S. Postal
7 Service Station and the U. S. Postal Service Processing Plant would
8 reveal if there was a substantial delay at either of those locations for
9 any reason.
- 10 9. What, if any, additional effort was made to deliver the ballots that
11 were returned as undeliverable by the U. S. Postal Service?
- 12 10. It may be possible by examining the outbound mail server logs of the
13 organization that was responsible for sending the email solicitation
14 packets to verify the number of email packets sent out between March
15 30, 2020, and April 8, 2020, to see if there was a delay in the issuance
16 of those documents.
- 17 11. Conduct a statistically significant number random survey of Yes
18 voters to ask if they felt pressured to vote Yes.
- 19 12. Conduct a similar random survey of No voters to ask if it was harder
20 for them to vote No.
- 21 13. Run a comparison between the solicitation packets that were returned
22 and the claimants who did not vote, to determine the percentage of
23 non-votes that were caused by the solicitation packet being returned.

24 The validity of the voting procedure for the Fire Victim Claimants to accept or reject
25 the Reorganization Plan and the Fire Victim Trust Settlement Agreement has been
26 questioned in the press, on social media, and in objections and pleadings submitted to the
27 Court. That means the Court needs to be concerned about validating the voting process
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1 because it might be used as the basis for an appeal if a confirmation order is issued.

2 The longer the delay in gathering facts about the actual distribution activity by the
3 mailing vendor(s) and the handling of the mailing by the U. S. Postal Service, the less
4 reliable the information will become. The memories of those who actually handled the
5 solicitation packets will fade. Physical evidence such as the information from postal meters
6 and outbound mail server logs may not be preserved.

7 Failing to authorize an independent Examiner to investigate possible voting
8 irregularities might be perceived as bias on the part of the Court. There have already been
9 allegations of corruption and bias in the case because of the close connections between Prime
10 Clerk and the Debtors' legal team.

11 In today's world in which there is so little confidence in the impartiality of so many
12 government agencies, so much discussion of corruption in the legislative and executive
13 branches of government, it is imperative that the Court shine the brightest possible light on
14 its decisions. Doing anything less is to invite allegations of abuse of judicial power and bias
15 in favor of the attorneys and Debtors because they have so much more power than the
16 individual claimants who lost everything in the fires. Those allegations are much more likely
17 to be made in this case because of the massive amount of damages and public attention being
18 given to this case. The country has not yet forgotten destruction of the Town of Paradise.

19 Appeals, successful or not, will further delay final resolution of the bankruptcy
20 process. They will further delay payments to the fire victims, many of whom are still living
21 in trailers because without the settlement money from PG&E they cannot afford to rebuild.

22 For all of these reasons I again respectfully request that you appoint an independent
23 Examiner to take at least all of the steps I outlined above and report both the data and the
24 final conclusion to the Court.

25 *Theresa Ann McDonald*
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